

1 ANGELA L. PADILLA (CA SBN 154863)
2 EVI K. SCHUELLER (CA SBN 237886)
3 APadilla@mofo.com
MORRISON & FOERSTER LLP
4 425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

5 Attorneys for Defendants
6 PRINCIPAL LIFE INSURANCE CO. AND
TARGET CORPORATION

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 DON BORG,

13 Plaintiff,

14 v.

15 PRINCIPAL LIFE INSURANCE CO., TARGET
CORPORATION, and DOES 1 through 20,
16 inclusive,

17 Defendants.

18 Case No. C-07-03149-HRL

19 [Hon. Howard R. Lloyd]

20 **NOTICE OF MOTION AND
MOTION TO ENLARGE TIME
TO RESPOND TO COMPLAINT**

21 [N.D. Cal. L.R. 6-3]

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NOTICE OF MOTION

PLEASE TAKE NOTICE that defendants Principal Life Insurance Co. and Target Corporation, will and hereby do move this Court for an order enlarging time their time to answer the Complaint in this matter to Monday, August 16, 2007. This motion is brought pursuant to Civil L.R. 6-3 and is based on this notice, the following memorandum of points and authorities and the accompanying declaration of Angela L. Padilla, and on such other matters as may be presented to the Court. The Plaintiff has not responded to the Defendants' request for a stipulated extension.

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MEMORANDUM OF POINTS AND AUTHORITIES3
By this Motion, Defendants Principal Life Insurance Co. ("Principal Life") and Target
4 Corporation ("Target") (collectively, "Defendants") hereby move for an order extending the time
5 to respond to Plaintiff's Complaint, until August 16, 2007.6
On or about June 15, 2007, Plaintiff improperly served Principal Life with only a portion
7 (three pages) of the Complaint. On or about June 27, 2007, Target was similarly served. On July
8 13, 2007, Defendants requested that Plaintiff serve the entire Complaint, and agree to extend the
9 time to respond to that Complaint by 30 days. Plaintiff's counsel, however, has not responded to
10 the request and apparently is unwilling to agree to the extension. Since the Principal's response is
11 currently due on July 16, 2007, Defendants move, pursuant to Local Rules 6-3 to enlarge the time
12 to respond to August 16, 2007.13
As described in the accompanying Declaration of Angela L. Padilla, Defendants require
14 extra time to respond, because they have not yet been served with the entire Complaint. Indeed,
15 without an extension, Defendants would suffer prejudice in having to respond to an incomplete
16 copy of the Complaint. Moreover, responding to an incomplete copy of the Complaint would be
17 a unnecessary waste of judicial resources.18
Defendants have not previously sought an extension of time in this action. The 30 day
19 extension of time requested herein will not affect the September 18, 2007 Case Management
20 Conference, or any other hearings currently scheduled in this matter.

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1 Dated: July 16, 2007

ANGELA L. PADILLA
EVI K. SCHUELLER
MORRISON & FOERSTER LLP

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By: /s/ Angela L. Padilla
Angela L. Padilla

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Attorneys for Defendants
TARGET CORPORATION AND
PRINCIPAL LIFE INSURANCE CO.

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